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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,462	09/26/2000	Takao Ogura	FUJS 17.791	3610

7590 08/23/2004
Katten, Muchin, Zavis & Rosenman
575 Madison Ave.
New York, NY 10022-2585

EXAMINER

HAN, CLEMENCE S

ART UNIT PAPER NUMBER

2665

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/670,462

Applicant(s)

OGURA ET AL.

Examiner

Clemence Han

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10, 12-17 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 8,9,11,18 and 22-24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because of the indefiniteness in the line 6–8, “(i represents an integer selected from 1 through N where N is an integer equal or larger than 2)”. It is not clear which “i” is defined. Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claim 6 is objected to because of the following informalities: In line 10, there is a typographical error, “cability”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7, 10, 16, 17 and 19–21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 7 recites the limitation "the last-named communication network" in line 6. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 10 recites the limitation "the corresponding subnetwork" in line 13–

14. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 19 recites the limitation "the last-named communication network" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claim 1–6 and 12–15 are rejected under 35 U.S.C. 102(e) as being anticipated by Mitra et al. (US Patent 6,331,986).

In regard to claim 1, 3, 5, 12 and 14, Mitra teaches a system for managing a communication network composed of a plurality of subnetworks, comprising: a plurality of element managers 124 provided one for each of the plural subnetworks; and a network manager 128 accommodating said plural element managers for concentrated management thereof; each of said plural element managers having a collection and notification section for collecting QoS (Quality of Service) capability management information on the corresponding element manager and notifying said network manager of the collected QoS capability management information (Column 10 Line 13–17); said network manager having a

management section for concentratedly managing various QoS capabilities of the whole communication network, based on the QoS capability management information collected and notified by the individual element managers (Column 10 Line 17–24), and a request reception section for receiving a request for a target QoS capability, and a selection and notification section for selecting a candidate subnetwork having a QoS capability such as to satisfy the target QoS capability, for which the request has been received by said request reception section, based on the various QoS capabilities being managed by said management section, and for notifying said element manager corresponding the selected candidate subnetwork of selection information indicating that the candidate subnetwork has been selected (Column 5 Line 8–22); each said element manager further having a control section 122 for controlling the corresponding subnetwork based on the selection information notified by said selection and notification section of said network manager.

In regard to claim 2, 4, 6, 13 and 15, Mitra teaches a system for managing a communication network composed of a plurality of subnetworks, comprising: a plurality of element managers 124 provided one for each of the plural subnetworks for individual management thereof; and a network manager 128 accommodating said plural element managers for concentrated management thereof; each of said

plural element managers having a collection and notification section for collecting QoS (Quality of Service) capability management information on the corresponding element manager and notifying said network manager of the collected QoS capability management information (Column 10 Line 13–17); said network manager having a management section for concentratedly managing various QoS capabilities of the whole communication network, based on the QoS capability management information collected and notified by the individual element managers (Column 10 Line 17–24).

Allowable Subject Matter

10. Claims 8, 9, 11, 18 and 22–24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 7, 10, 16, 17 and 19–21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the network management in general.

U.S. Patent 6,718,377 to Bischoff et al.

U.S. Patent 6,260,062 to Davis et al.

U.S. Patent 6,072,777 to Bencheck et al.

U.S. Pub. 2003/0161032 to Amoruso

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (703) 305-0372. The examiner can normally be reached on Monday-Thursday 7 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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C. H.

Clemence Han
Examiner
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